

W A X K (FM)
THE RIDGEFIELD BROADCASTING CORP.
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DOCKET FILE COPY ORIGINAL

June 10, 1998

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W. - Room 222
Washington, DC 20554

Re: Petition for Rulemaking
Jewett and Windham, New York
WAXK, Jewett (File No. BPH-960826MO)

Dear Ms. Salas:

Enclosed for filing with Commission, please find an original and four copies, including signed verification, of a Petition for Rulemaking to reallocate FM Channel 250A from Jewett, New York to Windham, New York, and modify the unbuilt construction permit of WAXK (File No. BPH-960826MO) accordingly.

If there are any questions, please contact the undersigned.

Respectfully submitted,
THE RIDGEFIELD BROADCASTING CORPORATION


Dennis Jackson,
President

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(7/10/12)

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In re:

Amendment of Section 73.202(b))
Table of Assignments)
FM Broadcast Stations)
(Jewett, New York and Windham, New York))

RM-_____

To: Chief, Allocations Branch

PETITION FOR RULEMAKING

The Ridgefield Broadcasting Corporation (hereinafter "RBC"), pursuant to Section 1.401 of the Commission's Rules, hereby respectfully petitions for rule making to amend Section 73.202(b) of the Commission's rules to substitute an allotment of Channel 250A to Windham, New York in place of the present allotment of Channel 250A at Jewett, New York, and to modify the authorization of WAXK(FM), Jewett, New York to operate on Channel 250A at Windham, New York. In support thereof, the following is shown.

RBC is the permittee of FM station WAXK, Channel 250A at Jewett, New York (File Number BPH-960826MO). The construction permit was recently granted, but the station has not commenced broadcasting. Therefore, WAXK is not considered an existing service at Jewett. Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989); recon. granted in part, 5 FCC Rcd 7094 (1990). Hence, the removal of Channel 250A from Jewett, its only allotment, is not an impediment to the grant of this petition. Midway, Panacea and Quincy, Florida, 10 FCC Rcd 6112 (MMB 1995).

As shown in the following table, Channel 250A may be assigned to Windham without a change in the allotment reference point. In fact, this reference point is better suited to an assignment at Windham than to the present assignment at Jewett because it is 2.4 km closer to Windham than to Jewett.

| <u>POINT</u> | <u>COORDINATES</u> | <u>DISTANCE</u> |
|--------------|--------------------------|-----------------|
| Ref. Point | 42° 19' 56"; 74° 18' 45" | 0.0 km. |
| Windham, NY | 42° 19' 02"; 74° 12' 14" | 9.1 km. |
| Jewett, NY | 42° 14' 59"; 74° 13' 40" | 11.5 km. |

All of Windham will receive a city-grade (70 dBu) signal from the reference point assuming maximum Class A facilities, as shown in Attachment A.

This petition proposes no change in channel or antenna site. Hence, the proposal is mutually exclusive with the present authorization of WAXK, and grant of this petition will not subject RBC's authorization to competing applications.

Since no change in authorized site is proposed in this request, there will be no gain or change in service area at this time, and a showing of services received is inapplicable.

Windham is located on State Route 23, the primary east-west road through Greene County, at the intersection with State Route 296. Windham's 1990 census population is 1,682. This is 80% greater than Jewett's 1990 census population of 933, leading to an improvement in service under the Commission's allotment priorities and policies. Windham presently has no local broadcast service and is not within any metropolitan area.

Windham meets the Commission's definition of a community. It has its own municipal government consisting of the Town Board and Town Supervisor, an employed a full time Town Clerk, its own Police and Fire Departments and Windham Ambulance Service, and maintains a Town Hall. Also in Windham are The Windham Library and Civic Center, Windham Masonic Hall and Windham Rotary Club, Windham Roman Catholic Church, Windham Centre Presbyterian Church and Windham United Methodist Church. Area children attend school at Windham-Ashland-Jewett School in Windham.

A number of businesses located in Windham refer to Windham in their names, including Ski Windham ski area, Windham Pharmacy, Windham Hardware, Windham Mountain Inn, The Windham Mini-Mall, Windham Mountain Outfitters, the Windham Theatre (movies), and Windham Mountain Arms Hotel. The Windham Journal is a weekly newspaper published in the town since 1857. There is an active Windham Chamber of Commerce with approximately 134 members. Over forty separate community-wide events are being staged to commemorate the Windham Bicentennial during 1998.

Hence, the reallocation of Channel 250A from Jewett to Windham will further goals of Section 307(b) of the Communications Act by giving a larger community its first local service. The change requested herein will not create any underserved area. In fact, as noted herein, the reallocation can be accomplished with no change required to either the allocation reference point or the facilities specified in the RBC construction permit.

RBC requests that the Commission modify its permit for Channel 250A to specify Windham as its community of license in accordance with Section 1.420(i) of its rules. As shown in Attachment A, the facilities specified in RBC's existing Construction Permit will provide city grade (70 dBu) coverage of Windham. RBC hereby certifies that it will construct and operate the station without unnecessary delay in accordance with the Commission's rules, so the requested change will not delay the initiation of broadcast service.

Accordingly, it being consistent with the policies regarding modification of a station's community of license and in the public interest, the Commission should amend Section 73.202(b) as follows:

| <u>Community</u> | <u>Present</u> | <u>Proposed</u> |
|-------------------|----------------|-----------------|
| Jewett, New York | 250A | ---- |
| Windham, New York | ---- | 250A |

Respectfully submitted,
THE RIDGEFIELD BROADCASTING CORP.

By 
Dennis Jackson, President

June 10, 1998

The Ridgefield Broadcasting Corp.
19 Boas Lane
Wilton, CT 06897-1301

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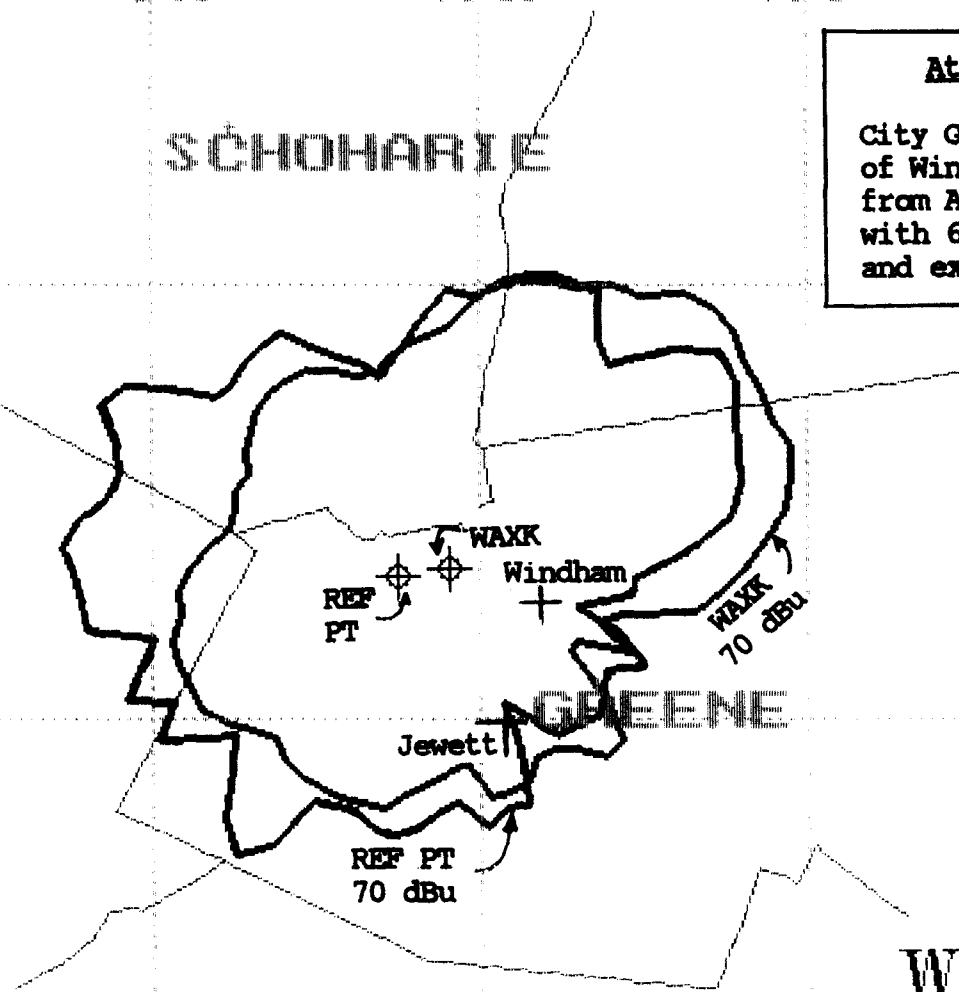
SCHOHARIE

Attachment A

City Grade Coverage
of Windham and Jewett
from Allotment Ref Pt
with 6 kW @ 100 m HAAT,
and existing WAXK CP.

42 30

42 15



WAXK
Windham
REF PT

Jewett

REF PT
70 dBu

GREENE

REF PT

Channel 250
70 dBu
6.000 kW
Meters AMSL: 690
42-19-56 74-18-45
Kilometer Scale
0 10 20 30 40 50

WAXK

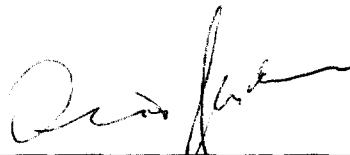
Channel 250
70 dBu
1.450 kW
Meters AMSL: 764
42-20-12 74-16-19

Map Scale
1: 500000

DECLARATION OF DENNIS JACKSON

I, Dennis Jackson, hereby declare that I am President of The Ridgefield Broadcasting Corporation ("RBC") and as such have reviewed the Petition for Rulemaking that RBC is filing with the Commission in behalf of WAXK(FM), Jewett, New York. I hereby declare under penalty of perjury that the statements contained therein are true and correct.

Executed on this 10th day of June, 1998

A handwritten signature in dark ink, appearing to read 'Dennis Jackson', is written over a horizontal line.

Dennis Jackson
The Ridgefield Broadcasting Corp.
19 Boas Lane
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(203) 762-9425